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Examiner Tohru SAITOH

et al. Group Art Unit: 2818

U.S. Patent & Trademark Office

571 273 8300

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RE: U.S. Patent Application No. 10/588,605

In response to the Office Action dated January 30, 2009, Applicants submit the enclosed Election Under 35 U.S.C. § 121.

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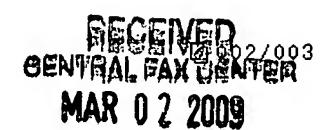
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U.S. practice conducted through McDermott Will & Emery LLP. 600 Thirteenth Street, N.W.

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PAGE 1/3 * RCVD AT 3/2/2009 7:33:01 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-5/13 * DNIS:2738300 * CSID:202 756 8087 * DURATION (mm-ss):00-44



Attorney Docket No.: 74782-022

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Customer No. 53080

Tohru SAITOH, et al.

Confirmation No.: 8353

Application No.: 10/588,605

Group Art Unit: 2818

Filed: August 7, 2006 : Examiner: ANDY HUYNH

For:

SEMICONDUCTOR NANOWIRE AND SEMICONDUCTOR

DEVICE INCLUDING THE NANOWIRE

ELECTION UNDER 35 U.S.C. § 121

Mail Stop Amendment Hon. Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

\$ir:

In response to the restriction requirement set forth in the Office Action mailed January 30, 2009, having a shortened statutory period for response set to expire February 28, 2009, wherein the Examiner required restriction between the following Groups:

Group I - Claims 1-10 and 19-23, drawn to a device; and

Group II - Claims 14-18, 24 and 25, drawn to a method.

Applicants elect Group I, for initial prosecution on the merits. Applicants also reserve the right to file a Divisional Application for the non-elected claims which the Examiner has indicated are patentably distinct.

Application No.: 10/588,605

Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicants have inadvertently overlooked the need for a petition for extension of time.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-0417.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

Date:

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